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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,847	08/14/2000	Jay Paul Drummond	D-1077+19	9760

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RALPH E. JOCKE
231 SOUTH BROADWAY
MEDINA, OH 44256

EXAMINER

WINTER, JOHN M

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 09/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/638,847

Applicant(s)

DRUMMOND ET AL.

Examiner

John M Winter

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claims 1 - 10 have been examined.

Claim Rejections - 35 USC §101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Descriptive material that cannot exhibit any functional interrelationship with the way in which computing processes are performed does not constitute a statutory process, machine, manufacture or composition of matter and should be rejected under 35 U.S.C. 101. Thus, Office personnel should consider the claimed invention as a whole to determine whether the necessary functional interrelationship is provided. In claim 1 the necessary functional interrelationship is not present, the claimed invention is merely a method for configuring devices comprising storing rules and selecting and performing a transaction.

Claims 2-10 are dependant on rejected claim 1, and is rejected for at least the same reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drummond et al (US Patent 6,505,177).

As per claim 1,

Drummond et al ('177) discloses a method for configuring devices in an automated transaction machine comprising:

storing a plurality of rules for an automated transaction machine, wherein the rules correspond to at least one sequence for use of a plurality of transaction function devices in operative connection with the automated transaction machine, each of which transaction function devices is capable of carrying out a first transaction function;(Column 7, lines 52-58)

selecting a first transaction function device responsive to a first rule; (Figure 26)

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Official Notice is taken that "performing the first transaction function with the first transaction function device" is common and well known in prior art in reference to POS systems. It would have been obvious to one having ordinary skill in the art at the time the invention was made to perform the first transaction function with the first transaction function device in order to the consumer to complete the transaction

As per claim 2,

Drummond et al ('177) discloses the method according to claim 1.

Official Notice is taken that "determining that the first transaction device is not available" is common and well known in prior art in reference to POS systems. It would have been obvious to one having ordinary skill in the art at the time the invention was made to determine that the first transaction device is not available in order to allow the device to be made available. The examiner notes that any modern operating system is capable of performing this function.

Drummond et al ('177) discloses the claimed invention except for selecting a second transaction function device responsive to the first rule and performing the first transaction function with the second transaction function device. It would be obvious to one having ordinary skill in the art at the time of the invention was made utilize a second transaction function device, since it has been held that mere duplication of the essential working parts of a device only involves routine skill in the art. *St Regis paper Co. v Bemis Co.*, 193 USPQ 8. Lines 18-25.

As per claim 3,

Drummond et al ('177) discloses the method according to claim 2,

wherein both the first and second transaction function devices include printer devices, wherein the first transaction function includes printing a receipt.(Column 3, lines 7-19)

Drummond et al ('177) discloses the claimed invention except for the second transaction function device. It would be obvious to one having ordinary skill in the art at the time of the invention was made utilize a second transaction function device, since it has been held that mere duplication of the essential working parts of a device only involves routine skill in the art. *St Regis paper Co. v Bemis Co.*, 193 USPQ 8. Lines 18-25.

As per claim 4,

Drummond et al ('177) discloses the method according to claim 2,

Official Notice is taken that "the first transaction function device corresponds to a receipt printer, and the second transaction function device corresponds to a statement printer" is common and well known in prior art in reference to POS systems. It would have been obvious to one having ordinary skill in the art at the time the invention was made that the first transaction function device corresponds to a receipt printer, and the second transaction function device corresponds to a statement printer in order to allow receipts and statements to be printed on different sized paper.

As per claim 5,

Drummond et al ('177) discloses the method according to claim 1, further comprising:

selecting the first rule responsive to an event which is operative to cause the machine to carry out the first transaction function.(Figure 26)

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As per claim 6,

Drummond et al ('177) discloses the method according to claim 1.

Official Notice is taken that "storing a plurality of capability values that are representative of features of the transaction function devices, wherein the first transaction function device is further selected responsive to the capability values." is common and well known in prior art in reference to POS systems. It would have been obvious to one having ordinary skill in the art at the time the invention was made that to store a plurality of capability values that are representative of features of the transaction function devices, wherein the first transaction function device is further selected responsive to the capability values in order to allow convenient usage of the system. The examiner notes that in most POS computer programs menus are often internally depicted as arrays and referenced by an array value, the feature is common to most modern programming languages such as C.

As per claim 7,

Drummond et al ('177) discloses the method according to claim 1, further comprising:

specifying at least one capability of the first transaction function device; and wherein the first transaction function device is further selected responsive to the specified capability.(Figure 26)

As per claim 8,

Drummond et al ('177) discloses the method according to claim 1, further comprising:

specifying at least one first capability of transaction function devices, wherein the first transaction function device is further selected responsive to the first capability;(Figure 26)

Official Notice is taken that "determining that the first transaction device is not available" is common and well known in prior art in reference to POS systems. It would have been obvious to one having ordinary skill in the art at the time the invention was made to determine that the first transaction device is not available in order to allow the device to be made available. The examiner notes that any modern operating system is capable of performing this function.

Drummond et al ('177) discloses the claimed invention except for specifying at least one second capability of transaction function devices; selecting a second transaction function device responsive to the first rule and the specified second capability; and performing the first transaction function with the second transaction function device. It would be obvious to one having ordinary skill in the art at the time of the invention was made utilize a second transaction function device, since it has been held that mere duplication of the essential working parts of a device only involves routine skill in the art. *St Regis paper Co. v Bemis Co.*, 193 USPQ 8. Lines 18-25.

As per claim 9,

Drummond et al ('177) discloses the method according to claim 8,

wherein the first capability corresponds to the printing indicia in a plurality of colors, wherein the second capability corresponds to printing indicia in at least one color.(Column 39, lines 7-19)

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As per claim 10,
Drummond et al ('177) discloses computer readable media operative to cause a computer to carry out the method steps recited in claim 1. (Abstract)

Conclusion

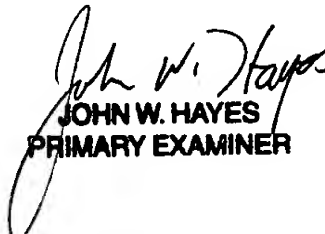
Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703)305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JMW
September 7, 2003


JOHN W. HAYES
PRIMARY EXAMINER